

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130-RSL

DECLARATION OF JOSEPH  
SCORCIO

Pursuant to 28 U.S.C. § 1746, I, Joseph Scorcio, state and declare under penalty of perjury as follows:

1. I was employed by the City of SeaTac for 6 years (2013 - 2019). I served as the City Manager for those final three years prior to my retirement, beginning with 11 months as Acting City Manager from April 2016 until February 2017. Prior to that time, I spent three years as the Community and Economic Development Director for the City of SeaTac. I retired in 2019 with more than 40 years professional experience as a land use planner and local government manager in the State of Washington and State of Idaho. I am a full member in the American Institute of Certified Planners. This declaration is based on my own personal knowledge.

2. I am familiar with the plaintiff's allegations in this lawsuit. During the time

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2 the City of SeaTac Department of Community and Economic Development ("CED")  
3 reviewed a mobile home relocation plan submitted by Fife Motel, Inc., I was Acting City  
4 Manager for the City of SeaTac.

5           3. I was aware that the private land owner, Fife Motel, Inc., had submitted a  
6 mobile home park relocation plan associated with a proposed closure of the Firs Mobile  
7 Home Park. From my prior experience as CED Director at the City, I was generally familiar  
8 with the City's adopted regulations governing CED's administrative review of land use  
9 decisions, including approval of a relocation plan. The City Manager and the City Council  
10 clearly have no role in that administrative process. I had some general discussion with  
11 CED's Acting Director, Jeff Robinson, and Planning Manager, Steve Pilcher, about the  
12 relocation plan and the review process. I emphasized to Mr. Robinson and Mr. Pilcher that  
13 CED should review the relocation plan in a manner consistent with the applicable city  
14 regulations. We did not discuss the specific details or elements of the proposed relocation  
15 plan that had been submitted by Fife Motel, Inc.

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18           4. I did not discuss the relocation plan with the mayor or any member of the  
19 City Council. This is consistent with RCW 35A.13.080 and 35A.13.120, the separation of  
20 authorities for administrative duties in which the legislative body, the City Council, has no  
21 role. Further, I am not aware of any communications between CED employees and the  
22 mayor or members of the City Council about the details of the proposed relocation plan  
23 submitted by Fife Motel, Inc.

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25           5. The duly-designated City authorities in CED approved the relocation plan  
26 and issued a certificate of approval on October 17, 2016. Under the controlling ordinance,  
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2 an appeal from that decision needed to be filed with the hearing examiner within fourteen  
3 (14) days.

4         6. Residents of the Firs Mobile Home Park came to several meetings of the  
5 SeaTac City Council in the autumn of 2016, and provided statements during the Public  
6 Comments portion of these meetings. The residents were accompanied by representatives of  
7 the Tenants Union of Washington State. During these open public meetings, City  
8 representatives, including myself and the mayor, indicated repeatedly that the City Council  
9 has no legal role in the administrative process outlined in the City's municipal code for  
10 reviewing a mobile home park relocation plan. The statements and requests of the residents  
11 and their representatives, and City comments were usually translated into Spanish at the  
12 meetings by the representatives of the Tenants Union of Washington State.  
13

14         7. After the mobile home park relocation plan received administrative approval  
15 on October 17, 2016, residents of the Firs Mobile Home Park asked the Mayor and the City  
16 Council to extend the time for residents of the Firs Mobile Home Park to appeal the decision  
17 to the hearing examiner. A true and correct copy of a letter received by the City sent on  
18 behalf of residents of the Firs Mobile Home Park is attached as Exhibit 1.  
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20         8. As City Manager, I was asked to respond to the letter, consistent with the  
21 legal authorities of a Code City. As an experienced professional land use planner, I am  
22 aware of the established legal and procedural standards of basic fairness doctrines require  
23 that cities process land use applications in a neutral manner. The City cannot take sides, nor  
24 take unique actions in any case which are different from the properly adopted standards and  
25 regulations. To take such unique actions, the City would be inappropriately arbitrary and  
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2 capricious. As a result, the City Council could neither extend the time for an appeal nor  
3 could it shorten the time for an appeal. A true and correct copy of an email I sent to Monica  
4 Mendoza-Castrejon on October 30, 2016, in response to the request is attached as Exhibit 2.

5           9. While the plaintiff has attributed ill motive to the City and individual  
6 members of the City Council, it was my personal and professional observation that City  
7 employees and members of the City Council were sympathetic towards the impacts on the  
8 residents resulting from the decision by the private land owner, Fife Motel, Inc., to close the  
9 Firs Mobile Home Park. An example of the City's awareness of this impact is demonstrated  
10 by our efforts to coordinate with state legislators in an effort to secure greater protections for  
11 mobile home park residents and to increase state funding for relocation assistance to  
12 displaced mobile home park residents. Throughout the subsequent Washington State  
13 legislative session, the City of SeaTac strongly pushed passage of this new and expanded  
14 legislation. A true and correct copy of a letter I sent on behalf of the City of SeaTac to local  
15 legislators is attached as Exhibit 3.

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18           10. I am aware that the plaintiff in this lawsuit has criticized the fact that the City  
19 did not have Spanish language interpreters available at all regular City Council meetings.  
20 However, actions relating to the mobile home park relocation plan were never on the City  
21 Council's agenda. As noted, the City Council plays no role in the mobile home park  
22 relocation plan approval process. Residents of the Firs Mobile Home Park would come and  
23 speak to the City Council during the open Public Comment section of City Council  
24 meetings. The City does not generally have advance notice of who may appear to speak  
25 during Public Comment sections. This was the case with respect to residents of the Firs  
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2 Mobile Home Park.

3       11. The City of SeaTac is one of the most diverse cities in the State of  
4 Washington. The City has significant populations of residents who speak primarily Spanish,  
5 Amharic, Vietnamese, Tagalog, and many other languages. While the City did its best to  
6 accommodate its residents, it did not have the resources to have a cadre of certified  
7 interpreters on standby during City Council meetings in the event interpretation services  
8 might be required by a member of the general public. This was not meant as a slight to non-  
9 English speaking residents. It simply reflected the realities of governance in a City with an  
10 extremely diverse multi-lingual population.  
11

12       12. In July 2018, I met with Hank Lippek, an attorney representing the Firs  
13 Mobile Home Association at his request. During the meeting, Mr. Lippek presented a series  
14 of requests of the City seeking direct involvement in their potential acquisition and  
15 subsequent improvement of the Firs Mobile Home Park. At the time, I did not know  
16 whether the property owner, Fife Motel, was even willing to sell the mobile home park. Mr.  
17 Lippek's requests generally sought actions that I believed or I understood were beyond the  
18 City's legal authority and/or outside of the City's control, including gifting of public funds,  
19 violation of equal protection standards and construction of private infrastructure with public  
20 funds. Their requests included: a waiver of all development-related fees, even though the  
21 City would still provide the plan review, permitting and inspection services covered by those  
22 fees; use of public funds to install utilities and other public infrastructure on the private  
23 property of the mobile home park (SeaTac is not a utility provider, and cannot build private  
24 road/drainage infrastructure for private property owners); provision of monetary proceeds  
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28 DECLARATION OF JOSEPH SCORCIO –  
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2 from the City's (and others) public land sales to directly fund the residents' purchase of the  
3 existing mobile home park; and emergency changes to zoning and other regulations to  
4 prevent the redevelopment of the private property into anything other than a mobile home  
5 park (City cannot retroactively apply regulations to pending land use applications such as  
6 Fife Motel's application for relocation plan approval, as the application is vested). The brief  
7 meeting did not, and could not result in the City pursuing any of the requested actions,  
8 though as noted, the City did support changes where it could without violating laws and  
9 standards.  
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11 I declare under penalty of perjury under the laws of the State of Washington that the  
12 foregoing declaration is true and correct.

13 DATED THIS 18<sup>TH</sup> day of February, 2021, at Palm Desert, California.  
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16 JOSEPH SCORCIO, AICP  
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28 DECLARATION OF JOSEPH SCORCIO –  
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2021, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

|                         |  |
|-------------------------|--|
| V. Omar Barraza         | <a href="mailto:omar@barrazalaw.com">omar@barrazalaw.com</a>       |
| Christina L. Henry      | <a href="mailto:chenry@hdm-legal.com">chenry@hdm-legal.com</a>     |
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ QUINN N. PLANT  
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